

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES ELLIOT,

Plaintiff,

vs.

MONROE CORRECTIONAL COMPLEX,

Defendant.

No. 06-474RSL

ORDER STRIKING “STIPULATED  
ORDER”

This matter comes before the Court *sua sponte*. On December 6, 2006 plaintiff filed a “Stipulated Order to Extend Deadline for Reports for Expert Witnesses Per Minute Order” (Dkt. #27). Plaintiff appears to be attempting to file a stipulated motion to extend the existing deadline for expert reports. While the Court is aware that minor errors sometimes occur in the filing of motions, the number of errors in plaintiff’s “Stipulated Order” compel the Court to strike the pleading with an invitation to plaintiff’s counsel to re-file the request in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules.

As a threshold matter, plaintiff’s pleading was incorrectly filed as a “Stipulated Order” and failed to include a proposed order. Federal Rule of Civil Procedure 7(b) requires that “[a]n application to the court for an order shall be by motion.” While certainly a motion can be stipulated to by the parties, an order cannot. See LR 10(g) (“An order based upon a stipulation shall be sufficient if the words ‘It is so ordered,’ or their equivalent, are endorsed on the stipulation at the close thereof and if this endorsement is signed by the court.”). The proper

1 method for plaintiff to have filed his request would have been to file a stipulated motion together  
2 with a proposed order.<sup>1</sup> See LR 7(b)(1) (requires that the motion and a proposed order be filed  
3 with the clerk).

4 Plaintiff's counsel should also take time to review other requirements imposed by the  
5 Local Civil Rules. For instance, Rule 10(e)(3) requires: (1) an abbreviated title of the pleading  
6 together with a case number to be placed at the left side of the bottom of each page; (2) a page  
7 number to be placed in the middle of the bottom of each page; and (3) a law firm mailing  
8 address and telephone number of the attorney preparing the motion to be placed in the bottom  
9 right hand corner of each page. Rule 10(e)(5) requires that each pleading bear line numbers in  
10 the left margin. Plaintiff's "stipulated order" failed to include any of this required information.  
11 The Court also notes that plaintiff's counsel both misspelled plaintiff's last name and provided  
12 an incorrect case number in the caption.

13 For these reasons, the Court orders plaintiff's "Stipulated Order" STRICKEN (Dkt. #27).  
14 Plaintiff is invited to re-file a stipulated motion in accordance with the relevant rules.

15  
16 DATED this 8<sup>th</sup> day of December, 2006

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19 Robert S. Lasnik  
20 United States District Judge  
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26 <sup>1</sup> Plaintiff should consult Local Civil Rule 10(e)(8) and the Electronic Filing Procedures for Civil  
27 and Criminal Cases adopted by the General Order of the Court to ensure that proper electronic filing  
28 procedures are followed, including the requirements associated with the filing of proposed orders.